

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

DAWUD HALISI MALIK, f/k/a DAVID
RIGGINS,

Plaintiff,

v.

HAROLD CLARKE, *et al.*,

Defendants.

Case No. C07-5160 RJB/KLS

ORDER RE-NOTING REPORT AND
RECOMMENDATION

This matter comes before the Court on the Report and Recommendation of Magistrate Judge Strombom (Dkt. 13). The Court has considered the Report and Recommendation and the remainder of the file herein.

I. BACKGROUND AND DISCUSSION

Plaintiff Dawud Halisi Malik is currently incarcerated at the McNeil Island Corrections Center. Dkt. 1 at 2. Mr. Malik was committed to the Department of Corrections under the name David Washington Riggins. Dkt. 13 at 2; Dkt. 17 at 1.

On May 14, 2007, Magistrate Judge Strombom filed a Report and Recommendation recommending that the plaintiff's motion for injunctive relief be denied. Dkt. 13. No objections have been filed.

The plaintiff was mailed a copy of the Report and Recommendation. Dkt. 14. The mailing was addressed to Dawud Halisi Malik and was returned for failure to use the name under which the plaintiff was committed. *Id.* Counsel for the defendants sent the Clerk of the Court a letter clarifying

1 that, pursuant to policies of the Department of Corrections, all correspondence to the plaintiff must
2 bear the name under which the plaintiff was committed. Dkt. 17. Defendants' counsel therefore
3 recommends that all correspondence to the plaintiff be addressed as follows:

4 David Riggins a.k.a. Dawud Halisi Malik, DOC #622989
5 McNeil Island Corrections Center
6 P.O. Box 881000
7 Steilacoom, WA 98388-1000

8 *Id.*

9 Because Mr. Malik has not received a copy of the Report and Recommendation, he has been
10 deprived of an opportunity to object. The Court should therefore re-note the Report and
11 Recommendation (Dkt. 13) for consideration on July 20, 2007. Copies of the Report and
12 Recommendation and of this Order will be sent to the plaintiff at the address listed above.

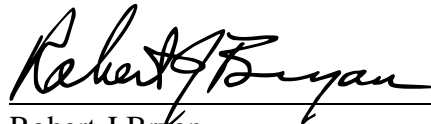
13 **II. ORDER**

14 Therefore, it is hereby

15 **ORDERED** that the Report and Recommendation (Dkt. 13) is **RE-NOTED** for
16 consideration on July 20, 2007.

17 The Clerk of the Court is instructed to send uncertified copies of this Order to all counsel of
18 record, to any party appearing *pro se* at said party's last known address, to the Hon. Karen L.
19 Strombom, and to the plaintiff at the address provided herein.

20 DATED this 19th day of June, 2007.

21 
22 Robert J Bryan
23 United States District Judge
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